

TUNISIA 2022 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

According to the 2022 constitution, Tunisia is a presidential republic with a bicameral parliament, but most powers are concentrated in the presidency. International and domestic observers assessed that December parliamentary elections were well-administered technically but lacked legitimacy and fell short of international standards. The elections were marred by low turnout (approximately 11 percent), and the introduction in September of an electoral law that eliminated quotas for women and youth, resulting in lower women's representation. President Saied was elected in 2019 in the country's second democratic presidential election, and official election observers generally agreed the 2019 election had no widespread fraud, violence, or attempts to undermine the credibility of the results.

The Ministry of Interior is responsible for law enforcement. The ministry oversees the National Police, which has primary responsibility for law enforcement in the major cities, and the National Guard, which oversees border security and patrols smaller towns and rural areas. Civilian authorities maintained effective control over the security forces. There were reports security forces committed some abuses. Military courts, with civilian judges nominated by the president and approved by the Military Judicial Council, have authority to try cases involving only military personnel and civilians accused of national security crimes or crimes involving members of the security or armed forces, including "insulting" the armed forces or the president (given his role as commander-in-chief).

On February 10, President Saied dissolved the Supreme Judicial Council, which had been in charge of nationwide judicial appointments and discipline. He replaced it with a provisional council. On March 30, the president formally dissolved the already "suspended" parliament after 116 members held a "virtual plenary" and voted to annul all decree laws issued by the president since he suspended the constitution in July 2021. In a July 25 referendum, 94.6 percent of voters approved a new constitution, much of which the president personally drafted. The constitution concentrates powers in the presidency, removes checks and balances on the executive, weakens the parliament, and gives the president

enhanced authorities over the judiciary and the legislature. While the constitution contains provisions like the 2014 constitution enshrining fundamental freedoms and human rights, problematic developments called into question the government's commitment to those rights, particularly related to freedom of expression and media. Most political parties boycotted the referendum and turnout was approximately 30 percent, significantly lower than in prior elections.

Significant human rights issues included credible reports of: torture by government agents; arbitrary arrests or detentions; serious problems with the independence of the judiciary; serious restrictions on freedom of expression and media, including arrests or prosecutions of journalists, censorship, or enforcement of or threat to enforce criminal libel laws to limit expression; government corruption; discrimination and societal abuses; crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, and intersex persons; laws criminalizing consensual same-sex sexual conduct between adults and the enforcement of those laws; and the worst forms of child labor.

The government took steps to investigate officials who allegedly committed abuses, but investigations into abuses by police, security forces, and detention center officials lacked transparency and frequently encountered long delays and procedural obstacles. High-profile investigations into former government officials, members of parliament, and businesspersons on corruption charges also lacked transparency.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports authorities committed arbitrary or unlawful killings; however, prior criminal cases continued to be processed.

On November 3, the Ben Arous Court of First Instance sentenced 12 police officers to two years in prison each for manslaughter in the case of Omar Laabidi, who drowned in 2018 allegedly due to police negligence. The 12 officers were released on bail until the appeal trial, and two other accused officers were

acquitted. Civil society and public reactions criticized the decision, calling it insufficient for addressing police accountability. They further stated the light sentences and the four-year delay in adjudication were signs of a dysfunctional judicial system.

As of November, an investigation continued into the 2019 death in National Police custody of Ayoub Ben Fradj, allegedly due to excessive use of pepper spray by security forces, after Ben Fradj was detained for involvement in a fight. One member of the security forces remained in pretrial detention facing charges; two other suspects remained free.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices, but there were credible reports government officials used them. The constitution prohibits “moral and physical torture,” and the penal code penalizes the use of “violence” when it is used without just cause. Civil society organizations criticized the criminal code as insufficient to cover torture and not in line with international standards.

The National Police reportedly subjected some detainees to harsh physical treatment, according to firsthand accounts provided to national and international organizations. Several prominent local human rights activists decried the practice of what they referred to as torture in police stations and detention centers. The Tunisian League for the Defense of Human Rights (LTDH) recorded 21 suspected deaths and other violations of human rights of detainees in detention centers and prisons during the year.

On November 2, Rabih al-Shehawi died while in custody in Mornaguia prison. His family and human rights activists claimed he was tortured by prison authorities; photos circulated on social media showing bruises on his face and feet. Authorities claimed al-Shehawi suffered a heart attack in prison, was transferred to a hospital, and then subsequently died of a second heart attack in the prison. The

Manouba Court announced an investigation into al-Shehawi's death after initial forensic results showed marks indicating excessively tight handcuffs on al-Shehawi's wrists.

In October 2021, after two police officers violently assaulted a man in their custody, arrest warrants were issued for the officers on charges of attempted premeditated murder. The investigation continued at year's end.

Human rights nongovernmental organizations (NGOs) criticized the government for failing to investigate abuse allegations and the appearance of impunity for abusers. NGOs continued to report the judiciary never announced final verdicts in cases of torture or mistreatment, and that such cases were generally treated instead as "excessive use of force."

Prison and Detention Center Conditions

Prison and detention center conditions did not meet international standards, according to international and domestic observers, principally due to overcrowding, poor infrastructure, and insufficient resources.

Abusive Physical Conditions: Prisons were grossly overcrowded. The law requires pretrial detainees to be held separately from convicted prisoners, but the Ministry of Justice reported that due to overcrowding it held pretrial detainees together with convicted prisoners.

Most prison buildings were originally constructed for industrial uses and were converted later into detention facilities; as a result, they suffered from poor infrastructure, including substandard lighting, ventilation, and heating. Health-care services available to inmates were inadequate. Very few prisons had an ambulance or medically equipped vehicle.

Administration: Authorities conducted investigations into credible allegations of mistreatment. The Ministry of Justice's internal investigations into prisoner abuse sometimes lacked transparency and often lasted several months, in some cases more than a year. The ministry frequently did not make public the findings of internal investigations.

Family visits were limited to one per week, through a window or a fence. Inmates with children were entitled to a family visit in a private room every three months. As part of the Ministry of Justice's rehabilitation program for countering violent extremism, the General Committee for Prisons and Rehabilitation has a memorandum of understanding with the Ministry of Religious Affairs to permit vetted and trained imams to lead religious sessions with prisoners identified as extremists, and it continued the program during the year. The ministry prohibited organized, communal prayers, but prisons permitted individual detainees to have religious materials and to pray in their cells.

The Ministry of Interior has three inspector general offices (one for the National Police, one for the National Guard, and a central inspectorate general reporting directly to the minister) that conduct administrative investigations into the different ministry structures; these offices play a role in both onsite inspections and investigations in response to complaints received from the public. The inspector general offices can hold security agents accountable for abuses and can issue administrative reprimands even before the courts announce a final verdict in abuse cases.

The National Authority for the Prevention of Torture (INPT), an independent body, was established in 2013 to respond to allegations of torture and mistreatment. The INPT includes 16 members that serve staggered six-year terms. On March 26, Prime Minister Najla Bouden swore in eight members of the 16-member INPT. In June 2021, eight new members were elected to parliament, but their confirmation was delayed, reportedly due to political considerations. These members included retired judges, doctors, and representatives from civil society.

INPT members have the authority to visit any prison or detention center without prior notice and to document torture and mistreatment, request criminal and administrative investigations, and issue recommendations for measures to eradicate abuse and mistreatment. The INPT reported continued cooperation by government authorities and access to prisons and detention centers during the year. It conducted several visits to civilians arrested and detained under the military and civilian courts' purviews. The INPT has not issued an annual report since 2020. Human rights organizations noted the INPT was an effective state actor supporting human rights and documenting claims of abuse; however, they also noted concerns

regarding the government's lack of prosecutions of abuses.

Independent Monitoring: The government granted access to prisons for independent nongovernmental observers, including local and international human rights groups, NGOs, local media, the International Committee of the Red Cross, the Office of the UN High Commissioner for Human Rights, the UN Subcommittee on Prevention of Torture, the World Organization Against Torture (OMCT), and the independent Tunisian Organization Against Torture. The LTDH could conduct unannounced prison visits and issue reports on conditions inside prisons. Other organizations were issued permits on a case-by-case basis and the OMCT reported problems gaining access to prisoners for routine visits.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, although security forces did not always observe these provisions. The law provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The country has been under a state of emergency since 2015 and human rights organizations expressed concern the government used its powers under the 1973 decree law on the state of emergency to place citizens under house arrest with limited evidence or foundation for suspicion, and often without offering these individuals access to the court orders that led to their arrest.

Arrest Procedures and Treatment of Detainees

The law requires police to have a warrant to arrest an alleged suspect unless a crime is in progress or the arrest is for a felony. Arresting officers must inform detainees of their rights, immediately notify detainees' families of the arrest, and make a complete record of the times and dates of such notifications. The maximum time of detention without charges for felonies is 48 hours, renewable once by a prosecutor's order, for a maximum of four days. For misdemeanor offenses, the time limit is 24 hours, renewable once by the prosecutor's order. All extensions must be justified in writing.

Detainees have the right to representation by counsel and to request medical assistance immediately upon detention. The judicial police must inform the lawyer of all interrogations and interactions between the accused and witnesses or victims

of the alleged offense. The judicial police must allow the lawyer to be present unless the accused explicitly waives the right to a lawyer, or the lawyer does not arrive at the prearranged time of questioning. The only exception is for terrorism suspects, who may be held without access to counsel for 48 hours. The counterterrorism law provides a suspect may be held without charges for 15 days, with a judicial review after each five-day period.

Media and civil society reported police failed at times to follow these regulations and, on occasion, detained persons arbitrarily.

By law the prosecutor represents the government in criminal proceedings, including those involving underage offenders. A lawyer may be assigned in a criminal case even if the accused did not ask for one during the investigation. Legal representation is provided at government expense for indigent defendants if certain conditions are met. In civil cases both parties may request legal aid. In criminal cases, however, legal aid is provided to citizens only if the minimum possible sentence is at least three years and the person on trial is not a recidivist; noncitizens have access to legal aid under conditions outlined by law. Legal aid is also extended to administrative matters once a police investigation is completed and the case goes to court. The military code of justice gives detainees in military court the same right to legal counsel as described in the civilian penal code.

The law permits authorities to release accused persons on monetary or nonmonetary bail, and the bail system functioned. At arraignment the examining magistrate may decide to release the accused or remand the detainee to pretrial detention.

Arbitrary Arrest: On February 28, President Saied extended the state of emergency (SOE) to December 28 and on December 30 he extended it again to January 30, 2023. The SOE allows the president to prohibit strikes or demonstrations deemed to threaten public order, place under house arrest anyone whose “activities are deemed to endanger security,” and suspend associations on suspicion of participation in harmful acts. The presidency has renewed the SOE for periods of one to six months continuously since 2015.

Domestic and international organizations alleged that since President Saied

suspended the 2014 constitution in July 2021, at least 50 individuals were placed arbitrarily under house arrest, banned from travel, or both, including former government officials, a judge, and several members of parliament (MPs); however, subsequently some of these measures were lifted. Some MPs reported following the March 29 virtual session of parliament, approximately 20 MPs were summoned for questioning before the public prosecutor, reportedly on charges related to conspiring against national security.

In December 2021, the Ministry of Interior detained Nahda Party Vice President Nouredine Bhiri and former Ministry of Interior official Fathi Baldi without announcing any formal charges against them. Bhiri began a hunger strike shortly after his detention, and on January 2, he was transferred to a hospital. Nahda Party and civil society organizations regularly raised concerns regarding Bhiri's detention in the hospital and deteriorating health. According to Amnesty International, Baldi was held in an undisclosed location. Amnesty International reported, "Authorities allowed Bhiri's and Baldi's families to meet with them – Bhiri at the hospital, and Baldi at a national guard post – but never alone." On March 7, the Ministry of Interior released Bhiri and Baldi and issued a statement announcing it had referred their cases to the Ministry of Justice for any further action. The Ministry of Interior previously suggested both men were under investigation for charges related to terrorism. As of year's end, there was no clear information on the investigation and potential charges against Baldi.

Nahda Party President Rached Ghannouchi was interrogated several times during the year based on allegations of criminal involvement. Nahda party claims the investigations were politically motivated. Ghannouchi is scheduled for a hearing on February 21, 2023, related to a police union filed lawsuit alleging Ghannouchi committed incitement against police when he praised a Nahda colleague's courage against "tyranny" in an unspecified eulogy. Ghannouchi faced questioning for similar allegations in August. Ghannouchi is also under investigation based on allegations he facilitated travel of Tunisians to fight in foreign conflict zones and as of November 28, was being interrogated.

Pretrial Detention: The length of pretrial detention remained unpredictable and could last from one month to several years, principally due to lengthy criminal prosecution procedures, judicial inefficiency, and lack of capacity.

In cases involving crimes for which the prison sentence for conviction may exceed five years or that involve national security, pretrial detention may last six months and may be extended by court order for two additional four-month periods. Detainees may be held longer than this 14-month period if a hearing date is scheduled beyond it. In cases involving crimes for which the sentence for conviction may not exceed five years, the court may extend the initial six-month pretrial detention by only three months. During this stage, the court investigates, hears arguments, and accepts evidence and motions from both parties.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, but the government did not respect judicial independence and impartiality. Since July 2021, an increasing number of civilian cases have been referred to military courts for prosecution involving criminal libel cases, particularly against individuals that publicly criticized President Saied and his administration on social media.

On February 12, Saied dissolved the Supreme Judicial Council, which had been in charge of nationwide judicial appointments and discipline. He replaced it with a provisional council. The president and supporters sought to justify this move by accusing the Supreme Judicial Council of bias, but critics, including political parties, civil society, and international organizations, warned it gave Saied unchecked control over the judiciary.

On June 1, Saied unilaterally dismissed 57 judges, including the former president of the Supreme Judicial Council, after levying accusations of corruption and other malfeasance that critics doubted were founded in fact. Civil society organizations largely rejected claims the firings had anything to do with anticorruption efforts, and claimed the firings were a pretext for filling judicial vacancies with judges who would unequivocally support the president. Beginning June 6, the Association of Tunisian Magistrates (AMT) started a four-week, countrywide strike in protest of the dismissals; during the strike, the AMT suspended court proceedings except for cases related to terrorism and burial permits. On June 22, five of the dismissed judges began a lengthy hunger strike that continued for more than a month until many of the judges were hospitalized.

The 57 judges appealed their terminations to the Administrative Court; on August 10, the court reversed the dismissals of 49 of them in a ruling that their firings were improper. At year's end, these judicial reinstatements had not been implemented due to resistance from the Ministry of Justice. None of the 57 judges received a salary payment since their June dismissal, however, the judges allegedly received a lump-sum "severance" payment according to the International Commission of Jurists. On September 22, media reported the Supreme Judicial Council lifted AMT President Anas Hamadi's judicial immunity, but no formal charges were brought against him by the end of the year. Critics worried the move was intended to punish Hamadi for overturning the judicial dismissals.

Trial Procedures

The law provides for the right to a fair and public trial, and an independent judiciary generally enforced this right, although defendants complained authorities did not consistently follow the law on trial procedures. The counterterrorism law states that in cases involving terrorism, judges may close hearings to the public. Judges may also keep information on witnesses, victims, and any other relevant persons confidential, including from the accused and his or her legal counsel. Human rights organizations objected to the law for its vague definition of terrorism and the broad leeway it gives judges to admit testimony by anonymous witnesses.

Military courts have authority to try cases involving members of the security or armed forces and civilians accused of national security crimes or of offenses such as insulting the president (as commander in chief of the armed forces) or other members of the military. Appeals of decisions made by the military courts involving civilians are heard by the Court of Cassation, the country's highest court of appeal, and part of the civilian judiciary system. Human rights advocates argued that national security crimes for which civilians may be tried in military courts were too broadly defined, and civil society raised increasing concerns during the year regarding the use of military courts to try civilians accused of criticizing the president. In March Human Rights Watch assessed that "prosecuting a civilian before a military tribunal violates the right to a fair trial and due process guarantees."

On March 2, the military court executed an arrest warrant for the former Dean of

the Tunisian Bar Association Abderrazek Kilani, on charges of obstruction of justice, disturbing the peace, and attacking and threatening a police officer while on duty when he attempted to visit a client in the hospital. On May 19, the military court issued a one month suspended sentence. Kilani appealed the sentence and on November 11, the Military Court of Appeals overturned the conviction due to a “lack of jurisdiction” and cancelled the one-month jail sentence. The public prosecutor announced its intent to appeal the decision. This appeal marked the first time the Military Court of Appeals cited lack of jurisdiction to dismiss a civilian trial.

On February 8, the military court sentenced Nahda Party Member of Parliament and lawyer Bechir Chebbi, who resided outside the country, to eight months in prison in absentia for “harming the dignity of the army.” According to news sources, Chebbi’s prosecution stemmed from declarations he made during a political rally opposing the president’s “exceptional measures.”

Political Prisoners and Detainees

Civil society groups criticized the government for investigating, detaining, and prosecuting individuals for politicized reasons, including detentions in 2021 of members of parliament and a journalist who publicly criticized the president (see sections 2.a. and 2.b.).

Civil Judicial Procedures and Remedies

Citizens and organizations may seek civil remedies for human rights abuses through domestic courts. Civilian courts heard cases involving alleged abuse by security forces during the year. Some cases did not move forward because security force officials, and occasionally civilian judges reportedly failed to cooperate in investigations. The constitution mandates the establishment of a Constitutional Court; however, as of year’s end the Constitutional Court had still not been created. Civil society activists stated the government’s failure to establish the Constitutional Court left the country without a check on executive power and an independent arbiter of the constitutionality of laws and decrees, particularly regarding fundamental freedoms and individual rights (see section 2).

f. Arbitrary or Unlawful Interference with Privacy, Family, Home,

or Correspondence

Both the previous and existing constitution prohibit such actions, and there were no reports the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution and law provide for freedom of expression, including for the press and other media. The constitution provides for freedom of opinion, thought, expression, information, and publication. The government did not always respect these rights. President Saïed's imposition in 2021 of exceptional measures and decrees issued by the president during the year restricted freedom of expression, and journalists, activists, and politicians were prosecuted for speech related to and critical of the president. An independent press and robust civil society contributed to an environment generally conducive to this freedom, but independent journalists raised increasing concerns regarding the year concerning potential threats to freedom of expression, including press freedom.

Freedom of Expression: Public speech considered offensive to “public morals” or “public decency,” terms undefined in the law, continued to be treated as criminal acts. Provisions of the penal and telecommunications codes, for example, criminalize speech that causes “harm to the public order or public morals” or intentionally disturbs persons “in a way that offends the sense of public decency.” NGOs stated the penal code and military justice codes were used to target journalists, lawyers, and civil society activists for criticism of the president, the government, or security forces. The codes criminalize defamation, false allegations against members of an administrative or judicial authority, and attacks against the “dignity, reputation, or morale of the army.”

Activists expressed concern regarding government interference with media and the concentration of media ownership in the hands of a few political parties or families. In its sixth annual report, issued in November, the National Union of Tunisian Journalists (SNJT) described the year as the most dangerous for

journalists since SNJT began reporting on this question in 2017. In March, Human Rights Watch reported more than 20 prosecutions of bloggers, journalists, and others since 2017 on charges related to their peaceful speech.

On March 20, President Saïed issued a Decree Law 14 criminalizing the deliberate spread of “false or incorrect news” that could cause economic harm for which conviction is punishable by a prison sentence of 10 years to life. On September 16, President Saïed issued Decree Law 54 ostensibly to regulate cybercrimes and misinformation; however, civil society, international organizations, political figures, and independent journalists warned the law imperiled freedom of expression. The law criminalizes the use of information systems to publish or circulate false information that “infringes on the rights of others or jeopardizes public safety or national defense or spreads terror among the population” or with the aim of “defaming others, tarnishing their reputations, or causing them financial and moral harm.” Penalties for such offenses are up to five years in prison and a 50,000 Tunisian dinars (\$15,600) fine, with the penalties doubled if the person is a public official. As of November, the government opened at least five criminal investigations under the cybercrime decree law for conduct comprising the exercise of freedom of expression.

During the year, authorities prosecuted several individuals in response to content published online that was critical of security forces or the government, including bloggers and journalists. The issuance of Decree Law 54 on cybercrime and misinformation raised concern among civil society organizations (CSOs) and members of the media including journalists over the prosecution of online speech. Citizens continued throughout the year to actively use social media platforms to organize social movements and peaceful protests; however according to Freedom House’s 2022 Freedom on the Net, online self-censorship increased since July 2021, as both journalists as well as internet and social media users sought to avoid retaliation for certain kinds of speech, particularly any criticism of the president, security forces, or government bodies.

In February a military court sentenced independent MP and blogger Yassine Ayari in absentia to 10 months in prison under the Military Justice Code, for Facebook posts criticizing the president.

On March 18, the National Guard's Counterterrorism (CT) Unit detained and interrogated Radio Mosaïque FM journalist Khelifa Guesmi for publishing and refusing to reveal his sources for a story covering the dismantling of a terrorist group in Kairouan. Authorities charged Guesmi under the country's counterterrorism law. The CT Unit also interrogated journalist Amal Manai and Houcine Dabbabi, Mosaïque FM's leading editor in Kairouan, in the same case. On March 25, a judge decided not to press charges against Manai and Dabbabi. On November 29, the Tunis Court of First Instance sentenced Guesmi to one year in prison. His defense team announced it would appeal the sentence.

Violence and Harassment: Violence and harassment against journalists continued, according to human rights organizations and independent journalists. Some individuals, including human rights and online activists, encountered online harassment and backlash, particularly for social media postings related to political matters or when mobilizing protests. In a report issued in November, the SNJT reported 232 verbal and physical attacks against journalists from October 2021 until October, 88 of which were against women journalists.

In January police reportedly physically assaulted French journalist Mathieu Galtier as he attempted to record an arrest. Police allegedly beat Galtier, sprayed him with tear gas at close range, and confiscated his press identification card and cellphone. Galtier received medical attention at the scene and police later returned his belongings, except for his cellphone's memory card, which included photos and videos from the protests. There was no information available regarding whether the government investigated or held any police officers accountable in this case, and no indication of any justification offered by police for refusing to return Galtier's cellphone memory card.

On April 14, police interrogated journalist Chahrazad Akacha for "disturbing others on social media platforms." Her interrogation came after she posted on Facebook accusations police were harassing her in retaliation for her accusations against the minister of interior. On April 12, the Court of First Instance in Tunis postponed a separate criminal case brought against Akacha for alleged defamation of the Ministry of Interior and harming national security. On March 17, Akacha posted an article accusing Minister of Interior Charfeddine of corruption; the minister responded by personally filing a defamation lawsuit against Akacha.

Since then, Akacha has alleged police forces have harassed her in retaliation.

On July 22, the SNJT President, Mohamed Yassine Jelassi, was injured while participating in a protest against the July 25 referendum. The International Federation of Journalists reported security forces sprayed Yassine Jelassi at close range with nerve gas. Following the incident, the SNJT issued a statement condemning the attack and called for the Ministry of Interior to investigate what the SNJT described as arbitrary security practices. There was no information available on if the government investigated these allegations (see section 2.b.).

Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media: The government sought criminal penalties against members of the media that published items deemed to defame government officials or impact national security. There was no censorship of websites except for those linked to terrorist organizations.

On April 2, the SNJT held a national public strike to protest what union officials described as the president's "attempts to control public media." The SNJT issued several demands, among them: filling vacant leadership positions in Tunis-Afrique-Press wire service and the National Television and National Radio; a balanced, independent and pluralistic editorial line in accordance with the National Television's status as a public institution; activation of previous agreements between the SNJT and public media institutions that provide for the rights of journalists; and initiating an immediate rescue operation to save the Snipe-La Presse printing house from the threat of bankruptcy and closure. The SNJT also called for cancellation of all disciplinary measures imposed by the National Television's interim chief executive officer (CEO) against a National Television journalist for participating in SNJT-led protests earlier in the month. SNJT criticized the action as violating the worker's right to strike. In addition, the SNJT called for the publication of the full text of the joint framework agreement for journalists in the official gazette which would enter the agreement into force. The agreement among the government and the SNJT, the General Media Union (affiliated with the UGTT), and the Newspaper Owners Association is the legal framework to regulate the sector and provide for independence, journalistic freedoms, financial and social benefits, union rights, and professional development.

As of November, the headquarters in Tunis of the independent news organization *Al-Jazeera* remained closed and its journalism licenses have not been renewed after security forces entered their offices in July 2021 and ordered staff to vacate the premises. According to *Al-Jazeera* reporting at the time, security forces stated they were carrying out judicial instructions. To date, *Al-Jazeera* has not received a copy of the warrant or judicial instructions. *Al-Jazeera*'s journalists continued to work from the SNJT's headquarters and have been reporting on events across the country.

The Independent High Authority for Audiovisual Communication issued a 50,000 Tunisian dinars (\$16,000) fine against *Al-Jazeera*'s Tunis office for publicizing on July 12, a poll related to the July 25 constitutional referendum. The authority announced that by sharing the polling information on a broadcast, *Al-Jazeera* violated the electoral law that prohibits publishing polling information during the referendum campaign.

Libel/Slander Laws: Various civil society organizations expressed concern regarding the use of criminal libel laws to stifle freedom of expression. Many media actors and activists asserted the law did not go far enough to protect freedom of expression and of the press and did not comply with the country's international obligations.

Business News CEO Nizar Bahloul informed media that on November 15, investigators questioned him for an hour based on a November 10 *Business News* article that analyzed Prime Minister Bouden's performance during the prior 13 months. Although not the author of the article, Bahloul, as CEO, could face criminal charges of "defamation, publication of false information, and promoting false allegations against public officials and insulting the Prime Minister" if convicted under the new decree law on cybercrime and misinformation, which carries a maximum penalty of 10 years in prison and up to 100,000 Tunisian dinars (\$32,000) fine as the article pertains to a public official. Journalists, media, and CSOs criticized Bahloul's police interrogation as an attack on freedom of expression and press. The Tunisian Federation of Newspaper Owners and the SNJT issued formal statements expressing solidarity with Bahloul. As of year's end, authorities had not brought any criminal charges against Bahloul.

National Security: Authorities cited laws to protect national security to arrest or punish critics of the government. On April 7, a military court convicted MP Abdelatif Aloui and Zitouna TV host Ameer Ayed on allegations they had harmed state security by insulting and criticizing the president during an episode of Ayed's *Hassad 24* program and sentenced them to three months in prison and four months in prison respectively. Both defendants filed for an appeal.

On September 11, Ghassen Ben Khalifa, activist and editor in chief of *Inhiyaz* website, was released pending trial following his arrest on September 6 based on terrorism-related charges. According to the Samidoun, the Palestinian Prisoners Solidarity Network, Khalifa's lawyers asserted there was no evidence for the charges. The SNTJ states the arrest was part of a pattern of using counterterrorism laws to intimidate journalists and activists. On September 9, dozens of journalists marched in solidarity with Khalifa in central Tunis.

Actions to Expand Freedom of Expression, Including for Members of the Media: On February 6, during a demonstration in Tunis members of the Ministry of Interior's Press Department joined other security officials to provide security for journalists and facilitate their reporting. According to press, this was the first time this unit had been present during demonstrations.

On February 21, the SNJT and the Ministry of Interior resumed cooperation, suspended in 2021, through a joint three-day training course bringing together journalists and ministry security personnel from the Directorate of Intervention Units. The training course focused on standards for both journalists and law enforcement officers regarding freedom of press, the right to information, and protecting journalists covering events that involve security forces.

Internet Freedom

The government generally did not restrict or disrupt access to the internet, although there were some obstacles to access, limits on content, and abuses of user rights, according to Freedom House. There were no credible reports the government monitored private online communications without legal authority.

According to Freedom House, in March, members of the dissolved parliament were blocked from an online meeting conducted on two communications

platforms.

b. Freedoms of Peaceful Assembly and Association

The constitution and law provide for the freedoms of peaceful assembly and association, and the government generally respected these rights.

Freedom of Peaceful Assembly

The law provides for the right of peaceful assembly and the government generally did respect it.

On January 14, approximately 1,500 individuals demonstrated in central Tunis against the president's July 2021 exceptional measures, including his dissolution of parliament and establishment of a state of emergency. NGOs, the SNJT, and INPT condemned police tactics at this demonstration, including assaults on protesters and journalists and the use of tear gas and water cannons to disperse crowds. Media also reported that on January 19, one protester died at a hospital. The public prosecutor announced the same day that it had launched an investigation into the death; at year's end, the investigation continued.

On July 22, the National Campaign to Thwart the Referendum (an opposition bloc of five leftist and center-left political parties comprised of the Democratic Current, Ettakattol, al-Jourhouri, the Workers' Party, and al-Qotb) organized a protest in downtown Tunis joined by civil society activists unaffiliated with the group. According to press reports, police used pepper spray and batons to disperse 100-150 protesters. In a press statement, the Ministry of Interior accused protesters of advancing towards the ministry headquarters, removing security barriers, and attacking security personnel, including throwing stones, water bottles, and banners at police and injuring 20 officers. The ministry also released a video of the confrontations. NGOs and journalists reported 11 individuals, including civil society activists, were briefly detained. The SNJT, whose president was injured in the protests (see section 2.a.), condemned the police response to protesters and called for investigations into "the arbitrary security practices." Lawyers without Borders in Tunisia, the Tunisian General Labor Union (UGTT), LTDH, and Tunisian Association of Democratic Women also condemned the use of force against protesters. There was no information available on the government's efforts

to investigate these allegations.

Freedom of Association

The law provides for the right of freedom of association, but the government did not always respect it. Religious minority groups reported extreme administrative delays and lack of government response during the year on processing their legal association applications; some applications dated as far back as 2017.

On February 24, President Saied announced he intended to issue a decree restricting CSOs including prohibiting foreign funding, stating “Nongovernmental organizations must be prevented from accessing external funds...and we will do that.” In January purported amendments to the law regulating civil society, which would have unduly restricted CSOs’ activities and grant the government greater power to monitor and potentially dissolve the organizations, were leaked. As of the end of the year, the president had not issued a decree changing the law.

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these related rights. In 2021, President Saied reportedly authorized the use of travel bans for individuals with pending legal cases against them.

In-country Movement: There are no reports of in-country movement restrictions.

Foreign Travel: The law requires that authorities promptly inform those affected by travel restrictions or who have had their passports seized of the reasons for these decisions. In addition, by law the affected individuals have the right to challenge the decision, and the law sets a maximum of 14 months during which their travel may be restricted before requiring another court order. Human rights groups noted authorities did not consistently apply the law and that security forces did not always respect court decisions to reverse travel restrictions.

Civil society groups reported the Ministry of Interior continued to use an informal travel ban list known as the “S17” watch list established to provide for additional screening by agents at the border checkpoints for individuals’ international travel. There were no official statistics on the number of names on the list. The government has not acted on 2018 and 2020 rulings by the Administrative Court of Tunis that the list had no legal basis.

Civil society organizations and the business community alleged several members of parliament, former ministers, and businesspersons were arbitrarily prohibited from traveling following President Saied’s invocation of “exceptional measures” in July 2021. Amnesty International reported at least three MPs were prohibited from traveling despite the government’s failure to provide a court order, time frame, or justification for this restriction. Throughout the year, several former members of parliament and politicians publicly reported they were prevented from traveling abroad, despite the lack of a legal case against them, including but not limited to Fadhel Abdelkafi, Amal al-Saidi, and Rached Ghannouchi. On November 16, Fadhel Abdelkafi posted on Facebook that he learned of a travel ban against him, without any legal justification, when he was attempting to depart from the Tunis airport.

e. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

Access to Asylum: The law does not provide for the granting of asylum or refugee status. There is no national asylum system in the country, exacerbating the situation of already vulnerable refugees and asylum seekers in the country.

Domestic and international organizations criticized the lack of resources and support provided to foreign migrants, refugees, and asylum seekers. The UNHCR is the only entity responsible for conducting registration and refugee status determinations. The Ministry of Foreign Affairs and other ministries coordinated regularly with UNHCR despite the absence of this legal framework. UNHCR receives asylum claims, registers asylum seekers, conducts refugee status

determination, and provides documentation.

Section 3. Freedom to Participate in the Political Process

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: In December 2021, President Saied announced a timeline, including public consultations and the establishment of a committee, to revise the 2014 constitution and electoral laws. On April 22 and May 10, President Saied decreed changes to the Independent High Electoral Commission (ISIE), the body overseeing elections that gave the president rather than parliament the authority to appoint ISIE members and approve its budget. Opposition parties criticized the move as undermining the commission's independence and the integrity of future elections. ISIE's board composition had not changed by year's end.

On July 25, the country held a national referendum to vote on the new constitution. On May 27, the European Commission for Democracy through Law, better known as the Venice Commission, issued a statement raising concerns regarding holding a constitutional referendum in July without first issuing clear, established rules well in advance. Several mainstream political parties urged their supporters to boycott the referendum to signal their rejection of both the proposed constitution's concentration of power in the presidency and of President Saied's suspension of constitutional order and imposition of "exceptional measures." Voter turnout was just above 30 percent, of which approximately 95 percent voted to approve the new constitution. According to constitutional experts, the new constitution concentrates powers in the presidency, removes any meaningful checks and balances on the executive, significantly weakens the parliament, and gives the president enhanced authorities over the judiciary and the legislature.

On September 15, President Saied issued a new electoral law by decree and announced elections for the lower chamber of the new parliament would be held on December 17. The law mandates district-based elections of individual candidates

(thus removing the formerly significant role of parties), reduces the number of members of parliament for the lower chamber from 217 to 161, eliminates public financing of candidates, prohibits political parties from campaigning on behalf of candidates or providing candidates with resources to support campaigns, and includes a provision allowing constituents to request a recall of their representative. Some political parties and commentators praised the law as “straightforward,” while others criticized the opaque process for the drafting of the electoral law, as well as the removal of gender parity and youth quotas in the approved text. In October, the Carnegie Endowment for International Peace credited the previous quota system with helping the country “make gains toward gender and age parity in its legislature.” International media platform Open Democracy stated that with no public financing under the electoral law, women candidates had less access to finances than men due to the country’s “deeply patriarchal society.”

In December, roughly 11 percent of eligible voters exercised their ability to vote in legislative elections. The Carter Center election observations mission found “that while the election was technically well administered, the process underlying the framework for the elections lacked legitimacy and fell short of international and regional standards and obligations.” Only 23 candidates of the 161 open parliamentary seats received the more than 50 percent of votes needed to win outright. Runoff elections for the remaining seats are scheduled for late January 2023.

Political Parties and Political Participation: Many political parties boycotted the December legislative elections, citing concerns with process leading up to the elections and the ban on political parties campaigning for candidates under the electoral law. Post elections, some opposition political parties called for early presidential elections arguing the low turnout showed the lack of support for President Saied and his government.

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of minority communities in the political process, and they did participate. Nevertheless, the electoral law removed the quotas for women and youth candidates resulting in a significant decrease in women candidates in the December parliamentary elections. According to the

International Foundation for Electoral Systems in the first round of elections 23 candidates were elected of which three were women. Two hundred sixty-two candidates, including 34 women (13 percent) and 228 men (87 percent), were slated to contest the second round.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but the government generally did not implement the law effectively. There were numerous reports of government corruption during the year, particularly of police seeking bribes from citizens. In August 2021 the National Authority for the Fight Against Corruption, which led anticorruption efforts in the country since 2011, was closed. The constitution does not include any reference to the anticorruption body, unlike the prior constitution.

Corruption: The government does not have an anticorruption strategy. During the year some members of parliament were charged and detained based on corruption allegations. In June, President Saied dismissed 57 judges based on allegations of corruption and other charges (see section 1.e.); CSOs criticized these dismissals as politically motivated.

In March media reported President Saied issued a decree that offers amnesty in corruption cases, allowing those accused of corruption to avoid prosecution and imprisonment by providing money for state projects. In this announcement, the president stated 460 persons had stolen approximately 14 billion Tunisian dinars (\$4.8 billion) from the country.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. These organizations reported government officials

rarely were cooperative and responsive to their views.

Government Human Rights Bodies: The government's primary agency to investigate human rights abuses and combat threats to human rights was the Ministry of Justice. Human rights organizations contended, however, that the ministry failed to pursue or adequately investigate alleged human rights abuses. Within the office of the president, the High Committee for Human Rights and Fundamental Freedoms was charged with monitoring human rights and advising the president on related topics. In addition, the independent INPT responds to allegations of torture and mistreatment (see section 1.c.).

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law broadly defines violence against women as "any restriction denying women equality in the civil, political, economic, social, or cultural domains." The law criminalizes rape (including of men), incest, sexual harassment of women in public places, and gender discrimination. Violence against women in the country was widespread and systemic. Legal, cultural, and social norms often result in victims failing to report claims and inadequate law enforcement authorities' responses in cases of violence against women, either refusing to file complaints or, if the perpetrator is a spouse, pressuring the victims to reconcile privately with the offender rather than take legal action.

The government did not systematically track the number of rape cases. Civil society representatives reported anecdotally few rape cases resulted in a conviction. Rape remained a taboo subject, and cultural pressures often dissuaded survivors from reporting sexual assault. There were no government-run public education programs on domestic violence, including rape. Survivors could seek services at any of two dozen social centers throughout the country, in addition to five centers – one managed by the government and four by civil society organizations – dedicated to survivors of gender-based violence (GBV).

Laws prohibiting domestic violence provide penalties for assault committed by a spouse or family member that are double those of an unrelated individual for the

same crime, but enforcement was rare, and domestic violence remained a serious problem. The law allows women to seek restraining orders against their abusers without filing a criminal case or filing for divorce. The Ministry of Women, Family, and Senior Citizens monitored complaints of domestic violence. The ministry also worked with civil society to increase awareness of the law and help civil society connect women, including women with disabilities, to support services. The ministry did not keep statistics on cases involving women with disabilities. The ministry operated a national hotline for survivors of family violence. The National Observatory for Violence Against Women operated a hotline to provide referrals and assistance to victims of GBV. The Ministry of Women's Affairs developed a digital platform with resources for assistance, and increased follow-up and intervention on behalf of victims.

The Ministry of Interior operated 127 specialized units in police stations throughout the country tasked with investigating crimes of violence against women. The Ministry of Justice tracked GBV cases, gathering information on cases in each court but did not make such information public. On August 9, Minister of Women's Affairs Amel Moussa announced the number of reported cases of violence against women fell from 15,000 cases in 2021 to 7,500 during the same period during the year. The minister assessed the decline was related to what she called an unprecedented increase in GBV cases during COVID-19 lockdowns in 2021.

On October 29, Wafa Essbii's ex-husband beat her and burned her alive in her home in northwest Tunisia. Their divorce had been finalized days earlier. According to media, Essbii had applied for a protection order, but it was not enforced, an issue that feminist organizations cited as a common failure of the domestic violence law.

Sexual Harassment: The law criminalizes sexual harassment and provides up to a two-year sentence and a significant fine for conviction. Sexual harassment may include any act, gesture, or words with sexual connotation. The punishment for conviction is doubled if the victim is a child or if the perpetrator has authority over the victim.

Reproductive Rights: There were no reports of coerced abortion or involuntary

sterilization on the part of government authorities. Women had access to free abortions and contraceptives available at public medical centers; however, sexual and reproductive health services were unevenly available in the country, especially in remote rural areas, and insufficiently resourced and integrated into the national health-care system. Parental or guardian consent is required for girls younger than age 18 to receive sexual and reproductive health services. There are some discriminatory gender and sociocultural norms associated with women receiving sexual and reproductive health services, particularly for single women and youth. There are high rates of pregnant teenage girls dropping out of school due to social stigma. There is very little sexual education in schools. Single women reported legal limitations freezing their eggs for nonmedical related reasons. Lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) individuals reported problems accessing health services due to gender identity that did not conform to legal identity documents.

The government provided access to sexual and reproductive health services for survivors of sexual violence through the Ministry of Justice, although services were often delayed due to a lack of effective government coordination and streamlined support for survivors. Emergency contraception was available without a prescription.

Discrimination: The constitution and law explicitly prohibit discrimination based on race, gender, disability, language, or social status, and the government generally enforced these prohibitions; however vulnerable groups faced multifaceted discrimination.

A 2020 report from the network of Anti-Discrimination Point documented 309 cases of discrimination that included: 227 sexual orientation and gender identity and expression cases; 76 racial/persons of color cases, including 66 based on national origin (sub-Saharan migrants); four based on religion and two based on language (towards Amazighs). LGBTQI+ individuals noted the lack of legal recognition combined with the societal homophobia and insecurity with challenges in accessing housing, education, employment, and healthcare made them highly vulnerable and isolated. Religious minorities faced various types of discrimination including intolerant societal attitudes that included ostracizing converts, the inability to organize associations and get legal status, and harassment and violence

from communities, family members and police for their beliefs (see the Department of State's International Religious Freedom report).

Women faced societal rather than legal barriers to their economic and political participation. The Personal Status Code contains provisions that limits women's rights by not granting the same rights to men and women in parental responsibilities, failing to recognize legal rights of single mothers and children born out of wedlock, and making distinctions on inheritance for men and women.

Newly married couples must state explicitly in the marriage contract whether they elect to combine their possessions or to keep them separate. Sharia inheritance provisions in some instances provide men with a larger share of an inheritance. Some families avoided the application of sharia by executing sales contracts between parents and children to provide for their daughters and sons to receive equal shares of property. Non-Muslim women and their Muslim husbands may not inherit from each other unless they seek a legal judgment based on the rights enshrined in the constitution. The government considers all children of those marriages to be Muslim and forbids those children from inheriting from their mothers. Spouses may, however, freely give up to one-third of their estate to whomever they designate in their will.

Systemic Racial or Ethnic Violence and Discrimination

The law prohibits all forms of racial discrimination, including "all distinction, exclusion, restriction, or preference based on race, color, origin, heritage, or all other forms of racial obstruction, obstacle, or deprivation of rights and liberties or their exercise." The law penalizes acts of racial discrimination with up to three years in prison and a substantial fine for conviction of an individual and a larger fine for a legal entity such as a company. The government did not effectively enforce the law, and there were no reports of prosecutions for violations of antidiscrimination laws.

Despite the law, persons of color – inclusive of Black Tunisians and foreign migrants – experienced widespread poverty, limited access to higher education, and limited job opportunities and noted they were largely absent from politics and media despite making up approximately 10 to 15 percent of the population. Both

structural and interpersonal racism creates inequalities that marginalize persons of color from inadequate or inaccessible public services to verbal harassment in everyday life. Regions with high concentrations of Black Tunisians, particularly in the south, tend to be very isolated from public services and under resourced for social, health, education, and other institutions. The incidence of nonattendance and high dropout rates among students of color is higher due to these children working during school hours. Black Tunisians also reported being subjected to verbal abuse and violence by community members and being identified as foreign migrants due to limited awareness of Black Tunisians originating in the country and their lack of visibility in political and social life. Foreign migrants, often from sub-Saharan Africa, also faced widespread racial discrimination with no institutional framework for the protection and reception of migrants, limited employment opportunities that often forced them into the informal market, and harassment and degrading treatment in communities exacerbated by deteriorating economic conditions and negative perceptions that migrants were taking resources away from Tunisians.

In November activists told radio broadcaster Voice of America that racism remained entrenched in the country and little progress had been made on implementing the law. Few racial discrimination cases have been filed, and the country did not have a national strategy to fight racism, according to activists interviewed for the report. In August BBC Arabic reported 80 percent of the country's population believed that racial discrimination was an issue in the country.

Indigenous Peoples

The Indigenous Amazigh (Berber) population faced social, legal, and economic discrimination and were largely marginalized and unrepresented in media and politics. The government does not formally recognize this population and there were no efforts to preserve the culture, tradition, language, and rights of the Amazigh communities. Since 2018, members of the Amazigh community have attempted to register as a political party; however, each application was rejected by the government, according to the International Work Group for Indigenous Affairs. Many Amazigh are unable to register their first names in municipal civil registries because they are not Arabic. The NGO Minority Rights Group International and

other associations have continuously advocated for the recognition and enforcement of the rights of the Amazigh.

Children

Birth Registration: Citizenship is derived by birth from the parents, and the law provides for 10 days to register a newborn. Thereafter, parents have 30 days to explain their failure to register a newborn and complete the registration. Women transmit citizenship on an equal basis with men and there was no gender discrimination regarding children's passport application and authorization to leave the country.

Child Abuse: The law criminalizes child abuse. CSOs reported child abuse was widespread, occurring predominantly in homes and schools. The Ministry of Education and the Ministry of Women, Family, Children and Seniors, supported by civil society, conducted public education and awareness-raising campaigns on the harmful effects of corporal punishment and domestic violence.

Conviction of sexual relations with a child younger than age 16 is considered rape in all cases, and the perpetrator is subject to 20 years in prison with the possibility of a life sentence if there were aggravating circumstances, such as incest or the use of violence (see section 6, Women).

Child, Early, and Forced Marriage: The minimum age for marriage for both sexes is 18, but the courts may, in certain situations, authorize the marriage of persons younger than 18 upon the request and approval of both parents.

Sexual Exploitation of Children: The law prohibits commercial sexual exploitation, sale, grooming and using children for commercial exploitation, including child sex trafficking. Some children are vulnerable to sex trafficking, especially girls and those experiencing homelessness or working informally. Civil society and international organizations reported the increased presence online of child sexual abuse materials including sexual images and videos. The Internet Watch Foundation and government continued to operate a portal during the year where individuals could anonymously report child sexual abuse claims.

The law prohibits child pornography.

Antisemitism

The country's Jewish population numbered an estimated 1,500 persons. There were allegations of antisemitic harassment by law enforcement officers.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: The law criminalizes consensual same-sex sexual conduct between adults; however, police enforced the law as if it also criminalized LGBTQI+ identity absent sexual activity. Convictions for same-sex sexual conduct between adults carry up to a three-year prison sentence. According to NGOs, authorities occasionally used the law to detain and question persons concerning their sexual activities and sexual orientation, reportedly at times based on appearance alone.

NGOs reported in some instances, LGBTQI+ individuals were targeted under the penal code article criminalizing “infringement of morality or public morals”; conviction carries a penalty of six months in prison and a fine. The vague language of the penal code, as well as the lack of a legal definition of public morality, allows police wide discretion on what constitutes a morality or public morals crimes. In a June report from NGO Democracy for the Arab World Now, Mounir Baatour, a lawyer and activist who cofounded and is the president of Shams, an NGO advocating for LGBTQI+ rights, stated laws criminalizing public exposure and indecent assault represented “a threat to the LGBTQI+ community.” He stated there were approximately 120 cases against LGBTQI+ persons each year based on the criminal code.

Human rights groups reported an increase in arrests of LGBTQI+ individuals, as well as an increase in cases of societal harassment. Allegations included reports

some police labor unions harassed and endangered LGBTQI+ participants in January and February protests by posting their home addresses or pictures online (doxxing) and engaging in online hate speech. Police faced no repercussions for doxxing peaceful protesters. In May and June, police arrested 14 individuals on sodomy charges and 45 nonbinary individuals on charges related to “public morality,” according to the Damj Association, an LGBTQI+ rights NGO. In these cases, individuals reported being arrested based on perceptions concerning their appearance, innocent displays of affections such as holding hands, and after self-identifying as LGBTQI+ to police. The Damj Association reported some individuals were prosecuted and on conviction sentenced to between two months and one year in prison while other cases continued at the end of the year.

Violence against LGBTQI+ Persons: Police and other government agents perpetrated and tolerated violence against LGBTQI+ individuals or those reporting such abuse. LGBTQI+ individuals faced discrimination and violence, including threats of death and rape and societal stigma; fear of prosecution discouraged individuals from reporting violence and threats. LGBTQI+ individuals reported discrimination and harassment when seeking employment, health services, education, community interactions and interactions from police based on their identity.

Authorities and medical officials continued the practice of forced anal examinations, particularly for gay men, in purported attempts to gather evidence of same-sex sexual activity. Human rights organizations widely criticized the procedures as invasive, humiliating, and with no scientific value, but there is no prohibition against them under the law. According to NGO Lawyers without Borders, an individual was forced to undergo an anal examination after an accusation of homosexuality.

Discrimination: The law does not prohibit discrimination based on sexual orientation, gender identity or expression, or sex characteristics and does not recognize LGBTQI+ individuals, couples, or their families.

Availability of Legal Gender Recognition: There is no legal option for individuals to change their gender markers on official documents or to express a nonbinary gender identity. Transsexual, transgender, and intersex individuals

maintain the gender marker assigned at birth on their official documents, even after any transition or a medical intervention is undertaken. CSOs reported this made LGBTQI+ individuals vulnerable to violence, harassment, and discrimination from society and government actors.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: So-called conversion therapy is not banned.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: Activists and media reported police harassed, arbitrarily detained, assaulted, and threatened LGBTQI+ protesters during the year. Some of those subjected were also prevented access to legal counsel.

Persons with Disabilities

Persons with disabilities have access to education, health services, and transportation, but not on an equal basis with others due to infrastructure deficiencies, limited availability of services, and lack of public information. Since 1991 the law requires all new public buildings to be accessible to persons with physical disabilities, and the government generally enforced the law. Persons with physical disabilities did not have access to most buildings built before 1991, and there were no reports of government plans to retrofit older buildings to make them accessible. The government did not provide for information and communications to be accessible for persons with disabilities.

The Ministry of Social Affairs is charged with protecting the rights of persons with disabilities. The government issued cards to persons with disabilities for benefits such as unrestricted parking, free and priority medical services, free and preferential seating on public transportation, and consumer discounts. In general, public buses and trains were ill suited and not easily accessible to persons with disabilities. The government provided tax incentives to companies to encourage the hiring of persons with physical disabilities.

There were approximately 320 Special Education Centers (CES) in the country, including 310 schools for children with disabilities, one higher education school, and one vocational training institution. At least five of the schools for children with disabilities were dedicated solely to blind pupils. Most of these CESs were

administered by associations and funded primarily through the Ministry of Social Affairs. The CESs provided multidisciplinary assistance, including medical, psychological, educational, professional, and cultural support for children and young persons between ages six and 30. The Ministry of Social Affairs managed centers that provided short- and long-term accommodation and medical services to persons with disabilities who lacked other means of support.

The Ministry of Social Affairs provided 200 Tunisian dinars (\$62) per month to families that included persons with disabilities, an additional 50 Tunisian dinars (\$15) per person with disabilities, and another 30 Tunisian dinars (\$9) per child.

One of the greatest problems for persons with disabilities, according to the Ibsar Association, an NGO promoting rights for persons with disabilities, was a lack of access to information through education, media, or government agencies. For children with physical disabilities, inaccessible infrastructure remained a major hurdle to their social inclusion, as few buildings or cities were easily accessible to persons with physical disabilities or reduced mobility.

There were very limited education options or public-sector accommodations for persons with hearing or vision disabilities. There were no schools for children with hearing disabilities, and Ibsar estimated more than 90 percent of persons with hearing disabilities were illiterate. The government provided hearing aids to persons with hearing disabilities.

From January 15 to March 20, the government held electronic consultations to seek citizens' inputs on political, social, and economic reforms. Some civil society organizations and political parties raised concerns regarding the lack of transparency in the formulation of questions and how responses would be interpreted for incorporation into the constitution. To increase outreach, the Ministry of Youth and Sports used electronic tablets to assist persons with disabilities to navigate the electronic platform and included a sign language interpretation of consultation instructions on its Facebook page.

Civil society organizations criticized the ISIE for providing inadequate information to educate voters and prepare referendum or election observation missions. The limited availability of information from the ISIE – particularly for persons with

disabilities – hindered civil society organizations’ efforts to inform the electorate on the referendum.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to organize, form, and join unions and to bargain collectively. The law allows workers to protest or strike, provided they give 10 days’ advance notice to their federations and receive Ministry of Interior approval. Union leadership normally approved the decision to hold a strike; however, wildcat strikes (those not authorized by union leadership) continued to occur periodically.

The law provides for the right to engage in trade union activities, including the right to strike. The right to strike extends to civil servants, except for workers in essential services “whose interruption would endanger the lives, safety, or health of all or a section of the population.” The government did not explicitly define all essential services, but the national army, magistrates, internal security forces, and customs do not have the right to strike. Authorities largely respected the right to strike in public enterprises and services.

The law prohibits antiunion discrimination by employers and retribution against strikers. The government enforced applicable laws through arrests, fines, and business closures. Penalties for violations were commensurate with those under other laws involving denial of civil rights and were regularly applied against violators. The constitution also provides for freedom of peaceful assembly and demonstration. Since President Saied imposed exceptional measures in July 2021, there have been no reports of police aggression towards labor protesters.

Conciliation panels with equal representation from labor and management settled many labor disputes. In the absence of conciliation panels, representatives from the Ministry of Social Affairs, the Tunisian General Labor Union (UGTT), and the Tunisian Union for Industry, Commerce, and Handicrafts formed tripartite regional commissions to arbitrate disputes. Observers generally considered the tripartite commissions effective. Representatives from the UGTT’s smaller rival labor

unions, namely the General Confederation of Tunisian Labor and the Union of Tunisian Workers, complained their organizations were ignored and excluded from the tripartite commissions. They claimed a previous minister of social affairs, who was also a former UGTT leader, drafted a decree law explicitly aimed at excluding the smaller unions from social dialogue. The smaller unions accused the UGTT of denying the rights of laborers to freely choose the union best representing their interests.

UGTT representatives alleged some private-sector businesses targeted union leaders and fired them once they led strikes or made demands on behalf of the labor force. The UGTT made allegations of other antiunion practices by private-sector employers, including firing union activists and employing temporary workers to deter unionization. In certain industries, including textiles, hotels, and construction, temporary workers accounted for a majority of the workforce, a practice reportedly aimed at minimizing the risk of union-related disruptions of business.

b. Prohibition of Forced or Compulsory Labor

The law prohibits and criminalizes all forms of forced or compulsory labor and provides for penalties of up to 10 years' imprisonment and fines. The labor code allows workers to change jobs after giving notice as specified in their contract. The government effectively enforced the law.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

d. Discrimination with Respect to Employment and Occupation

The law prohibits employment discrimination regarding race, disability, language, sexual orientation and gender identity, HIV-positive status or presence of other communicable diseases, or social status. The government did not always

effectively enforce those laws and regulations (see section 6). Articles 77 and 78 of the labor code specifically prohibit employment of women in jobs deemed hazardous such as those found in industrial settings. Penalties for violations were commensurate with those under other laws involving denial of civil rights and were regularly applied against violators.

Societal, legal, and cultural barriers significantly reduced women's participation in the formal labor force, particularly in managerial positions. The law on GBV contains provisions aimed at eliminating the gender-based wage gap. The law explicitly requires equal pay for equal work, and the government generally enforced it through fines. The law allows woman employees in the public sector to receive two-thirds of their full-time salary for half-time work, provided they have at least one child younger than age 16 or a child with special needs, regardless of age. Qualifying women may apply for the benefit for a three-year period, renewable twice for a maximum of nine years. Women may apply for early retirement at age 55 if they have at least three children.

The domestic workers' law regulates the conditions of domestic work, defines the obligations of workers and employers, establishes oversight mechanisms, and sets penalties for infractions. The Ministry of Social Affairs allows refugees registered with UNHCR who hold regular employment with a contract validated by the Ministry of Vocational Training and Employment, or who are self-employed, to enroll in the social security system, thereby formalizing their employment.

Temporary contract laborers complained they were not afforded the same protections as permanent employees. Generally, informal workers have limited access to services and economic opportunities, including fundamental rights, legal protections, and support systems.

The law prohibits discrimination against persons with physical or mental disabilities. It mandates at least 2 percent of public and private-sector jobs be reserved for persons with disabilities. NGOs reported authorities did not widely enforce this law, and many employers were not aware of it.

e. Acceptable Conditions of Work

Wage and Hour Laws: The labor code provides for a range of administratively

determined minimum wages; the minimum wages were above the poverty income level. The law sets a maximum standard 48-hour workweek for manual work in the industrial and agricultural sectors and requires one 24-hour rest period per week. For administrative jobs in the private and public sectors, the workweek is 40 hours with 125 percent premium pay for overtime. The law prohibits excessive compulsory overtime. Employees are statutorily awarded 18 to 23 days of paid vacation annually based on years of service. The Domestic Workers Law mandates a minimum wage, a workweek not to exceed 48 hours, and a weekly rest day. The law also requires domestic workers be recruited through accredited employment offices under fixed-term or open-ended contracts. Violators may be punished with one to three months' imprisonment and a fine.

Occupational Safety and Health: Occupational safety and health (OSH) standards were appropriate for key industries in the country, including energy, agriculture and food processing, car parts, electronics, and chemicals. Responsibility for identifying unsafe situations remained with OSH experts and not the worker.

Special government regulations control employment in hazardous occupations, such as mining, petroleum engineering, and construction. Workers were free to remove themselves from dangerous situations without jeopardizing their employment, and they could take legal action against employers that retaliated against them for exercising this right.

Wage, Hour, and OSH Enforcement: Ministry of Social Affairs labor inspectors were responsible for enforcing wage, hour, and OSH regulations in the workplace; however, the number of inspectors was insufficient to enforce compliance. The government did not adequately enforce the minimum wage law, particularly in nonunionized sectors of the economy. Prohibitions against excessive compulsory overtime were rarely enforced.

Although there was no standard practice for reporting labor-code abuses, workers have the right to report these abuses to regional labor inspectors. Penalties for violations were less than those under other laws involving denial of civil rights. Working conditions and standards generally were better in export-oriented firms, which were mostly foreign owned, than in firms producing exclusively for the

domestic market.

Informal Sector: According to the government and NGOs, labor laws did not adequately cover the informal sector and workers were not fully aware of their rights, where labor violations were reportedly more prevalent. According to the Ministry of Social Affairs, the labor inspectorate did not have adequate resources to fully monitor the informal economy. The labor inspectorate is responsible for ensuring oversight and implementation of the Labor Code, advising employers and workers on application of labor laws, and reporting any labor deficiency or abuse to competent authorities. According to Tunisian Forum for Social and Economic Rights, 35.5 percent of the economy and employed 58.8 percent of the labor market. Occasionally, labor inspectors coordinated spot checks with the UGTT and the Ministry of Education to monitor potential cases of child labor.

No official entities provided protection for workers in the informal sector. Civil society and international organizations, however, supported the most vulnerable among the country's migrant populations, especially day laborers and those living in shelters, providing necessities including food and medical support.